

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

HMM CO., LTD.,

Plaintiff,

v.

SAMSUNG ELECTRONICS
AMERICA, INC., *et al.*,

Defendants.

Case No. 8:24-cv-01454-FLA (ADSx)

**ORDER TO SHOW CAUSE WHY
THE ACTION SHOULD NOT BE
TRANSFERRED TO A DISTRICT
COURT IN NEW YORK OR NEW
JERSEY**

ORDER

On July 1, 2024, Plaintiff HMM Co., Ltd. (“Plaintiff” or “HMM”) filed the Complaint in this action, asserting claims against Defendant Samsung Electronics America, Inc. (“SEA”) for: (1) breach of maritime contract; and (2) goods and services rendered.¹ Dkt. 1 (“Compl.”). The Complaint alleges HMM is a corporation duly organized under the laws of the Republic of Korea, and that SEA is a New York corporation with its principal place of business in New Jersey. *Id.* ¶¶ 2, 4. According to Plaintiff, “[t]his is a suit for unpaid detention, chassis, demurrage, rail ramp storage and other miscellaneous charges and expenses related to the transport of cargo through maritime activity, pursuant to maritime contracts,” involving transactions which were discharged at various port facilities across the United States. *Id.* ¶¶ 8, 12.

“For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented.” 28 U.S.C. § 1404(a). A district court may “transfer a case *sua sponte* under the doctrine of *forum non conveniens*, as codified at 28 U.S.C. § 1404(a), so long as the parties are first given the opportunity to present their views on the issue.” *Costlow v. Weeks*, 790 F.2d 1486, 1488 (9th Cir. 1986) (italicization added).


Plaintiff does not plead any specific facts in the Complaint to establish that this is a more appropriate forum than a district court in New York or New Jersey. *See* Compl. While Plaintiff alleges that, on information and belief, “many of SEA’s operations, shipping, and logistics personnel, including individuals involved in transactions with HMM, are located in [SEA’s] Santa Ana, CA office,” Plaintiffs’ assertion is entirely speculative and insufficient to establish this is a more appropriate forum.

¹ The court cites documents by the page numbers added by the court’s CM/ECF System, rather than any page numbers listed in documents natively.

1 Accordingly, the court ORDERS the parties to show cause in writing, within
2 fourteen (14) days of this Order, why the action should not be transferred to a district
3 court in New York or New Jersey. The parties may file one brief per side. Each brief
4 shall not exceed 4,200 words. Failure to respond timely shall result in the transfer of
5 this action without further notice from the court.

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7 IT IS SO ORDERED.

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9 Dated: January 17, 2025

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11 FERNANDO L. AENLLE-ROCHA
12 United States District Judge
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